

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEPHANIE PASCAL,

Plaintiff,

vs.

Case No. 12-10352
Hon. Lawrence P. Zatkoff

FLINT COMMUNITY SCHOOLS and
FLINT COMMUNITY SCHOOLS
BOARD OF EDUCATION,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION FOR
APPOINTMENT OF COUNSEL AS MOOT**

This matter is before the Court on Plaintiff's "Application for Appointment of Counsel Financial Affidavit" [dkt 11], which the Court construes as a motion for appointment of counsel. Plaintiff's motion requests that the Court appoint counsel to represent her in this case, and she has included detailed information regarding her financial status. Plaintiff's case arises from alleged violations of the Americans with Disabilities Act by her employer—Defendants.

On June 15, 2012, Defendants filed a Motion to Dismiss. After Plaintiff failed to file a response, the Court issued an Order to Show Cause on July 23, 2012. Plaintiff failed to respond to the Order to Show Cause or to file a response to Defendants' Motion to Dismiss. On August 27th, the Court entered an order dismissing Plaintiff's case for failing to respond. Two days later, Plaintiff filed the instant request. Plaintiff's request, however, is untimely. The Court is not aware of any legal precedent that permits her the appointment of counsel in this civil case, which has been dismissed. Based on this dismissal, there is no case for which Plaintiff may proceed, with or without counsel. Furthermore, "[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances." *Lavado v. Keohane*, 992 F.2d 601,

605–06 (6th Cir. 1993) (citations omitted). Plaintiff has not shown that exceptional circumstances exist to warrant the appointment of counsel in this case.

Accordingly, IT IS HEREBY ORDERED that Plaintiff’s “Application for Appointment of Counsel Financial Affidavit” [dkt 11] is DENIED as MOOT.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: September 5, 2012

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on September 5, 2012.

S/Marie E. Verlinde
Case Manager
(810) 984-3290